

REMARKS

Claim Status

Claims 4-9 and 12-19 are pending in the present application. This paper amends claims 5-8, 12, 14, 15, and 17; and cancels claim 3 without prejudice or disclaimer. Claims 4, 12, 13, and 19 are the independent claims of the present application.

Allowable Subject Matter

The Applicant gratefully acknowledges allowance of claims 4, 13, and 19. After entry of the above amendment claims 5-9 and 14-18 will depend from one of the allowed claims. Therefore, dependent claims 5-9 and 14-18 should also be allowed.

Claim 12

Independent claim 12 has been amended to incorporate limitations of claim 15. Therefore, the scope of claim 12, as amended, is the same as the scope of claim 15 prior to the above amendment. The Office Action rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over O'Brien, U.S. Patent Number 6,601,031 ("O'Brien" hereinafter), in view of Krack, U.S. Patent Application Publication Number 2003/0021394 ("Krack" hereinafter), and further in view of Gupta

et al., U.S. Patent Application Publication Number 2002/0090066 (“Gupta” hereinafter). Applicant respectfully requests reconsideration of this rejection and allowance of the amended claim 12.

In rejecting former claim 15, the Office Action acknowledged that the combination of O’Brien and Krack does not render obvious *detecting a predetermined keyword in the second mode from the caller to disable the port patch*. The Office Action then asserted that

Gupta teaches that during a period where the DTMF-controlled system is recording the user’s voice, a user’s voice utterance will be scanned for a command to further control the DTMF-controlled system. See paragraph 25. In contrast, the system of O’Brien requires a user to terminate a call using the DTMF key ‘#’.

Office Action, page 6. Applicant notes that Gupta does not teach the step of *disabling the port patch, in response to the detection step*, as recited in the amended claim 12. Applicant further notes that terminating a call does not necessarily require disabling the port patch. Thus, the combination of Gupta’s disclosure with O’Brien and Krak would not include all of the limitations recited in the amended claim 12. At least for this reason, Applicant believes that O’Brien in view of Krak and Gupta does not render unpatentable independent claim 12.

CONCLUSION

For the foregoing reasons, Applicant respectfully submits that all pending claims are patentable over the references of record. To discuss any matter pertaining to the present application, the Examiner is invited and requested to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a notice to this effect is earnestly solicited.

Respectfully submitted,

Dated: January 17, 2005

A handwritten signature in dark ink, appearing to read 'Anatoly S. Weiser', is written over a horizontal line.

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